

VENTURA PORT DISTRICT

BOARD OF PORT COMMISSIONERS MINUTES OF MAY 3, 2023



CLOSED SESSION

CALL TO ORDER:

The Ventura Board of Port Commissioners Regular Closed Session Meeting was called to order by Chair Blumenberg at 6:45PM at the Ventura Port District Administration Office, 1603 Anchors Way Drive, Ventura, CA 93001 and via Zoom meeting. The Ventura Board of Port Commissioners reconvened in Regular Closed Session at 8:11PM.

ROLL CALL:

Commissioners Present:

Michael Blumenberg, Chair
Jackie Gardina, Vice-Chair at 8:11PM
Anthony Rainey, Secretary
Brian Brennan
Chris Stephens

Commissioners Absent:

Jackie Gardina, Vice-Chair at 6:45PM to 7:01PM

Port District Staff:

Brian Pendleton, General Manager
Todd Mitchell, Sr. Business Operations Manager
Jessica Rauch, Clerk of the Board via Zoom

Legal Counsel:

Andy Turner, Lagerlof Lawyers LLP
Jeremy Shulman, Lagerlof Lawyers at 8:11PM

Number of interested persons:

0 via zoom; 0 in-person

PUBLIC COMMUNICATIONS: None. Closed at 6:46PM.

CONVENED TO CLOSED SESSION AT 6:46PM.

ADJOURNMENT: Closed Session was adjourned at 7:01PM.

OPEN SESSION

ADMINISTRATIVE AGENDA:

CALL TO ORDER:

The Ventura Board of Port Commissioners Regular Open Session Meeting was called to order by Chair Blumenberg at 7:04PM at the Ventura Port District Administration Office, 1603 Anchors Way Drive, Ventura, CA 93001 and via Zoom meeting.

PLEDGE OF ALLEGIANCE: By Commissioner Rainey.

ROLL CALL:

Commissioners Present:

Michael Blumenberg, Chair
Jackie Gardina, Vice-Chair
Anthony Rainey, Secretary
Brian Brennan
Chris Stephens

Commissioners Absent:

None.

Port District Staff:

Brian Pendleton, General Manager
Todd Mitchell, Sr. Business Operations Manager
Jessica Rauch, Clerk of the Board via Zoom
John Higgins, Harbormaster
Gloria Adkins, Accounting Manager
Joe Gonzalez, Capital Projects Manager
Jessica Snipas, Business Operations Analyst via Zoom
Dave Werneburg, Marina Supervisor via Zoom
Jessica Perkins, Accountant via Zoom

Legal Counsel:

Andy Turner, Lagerlof Lawyers LLP

City of Ventura Liaisons

Councilmember McReynolds, City Council Liaison – Absent

Number of interested persons:

0 via zoom; 1 in person

ADOPTION OF AGENDA

ACTION: Commissioner Brennan moved to adopt the May 3, 2023 agenda.

Commissioner Stephens seconded. The vote was as follows:

AYES: Commissioners Blumenberg, Gardina, Rainey, Brennan, Stephens

NOES: None
ABSTAINED: None
ABSENT: None

Motion carried 5-0.

APPROVAL OF MINUTES

The Minutes of the April 19, 2023 Regular Port Commission and Public Facilities Corporation Meetings were considered as follows:

ACTION: Commissioner Brennan moved to approve the Minutes of the April 19, 2023 Regular Port Commission meeting.

Commissioner Rainey seconded. The vote was as follows:

AYES: Commissioners Blumenberg, Gardina, Rainey, Brennan, Stephens
NOES: None
ABSTAINED: None
ABSENT: None

Motion carried 5-0.

PUBLIC COMMUNICATIONS: None. Closed at 7:06PM

CLOSED SESSION REPORT: Mr. Turner stated that the Board met in closed session; discussed and reviewed Item 1a on the closed session agenda. The Board gave direction to staff as to how to proceed. No action was taken that is reportable under The Brown Act. The Board will reconvene in Closed Session after open session to discuss and review Item 2.

BOARD COMMUNICATIONS: Vice-Chair Gardina recognized Harbor Cove Café, who was one of the restaurants that attended the Surfrider presentation, for their sustainability efforts. Chair Blumenberg announced that there is an opening for one seat on the Commission and applications are due May 8th. Commissioner Brennan announced the BEACON Sand Summit on May 11th.

STAFF AND GENERAL MANAGER REPORTS: Mr. Pendleton attended a meet and greet with Senator Limón's staff organized by CSDA. He also reported on the upcoming marketing promotions and events.

CONSENT AGENDA:

A) Authorization to Execute Three Grants of Easement to Southern California Edison Company

Recommended Action: Voice Vote.

That the Board of Port Commissioners authorize the General Manager to execute three Grants of Easement to Southern California Edison Company (SCE) and its successors an easement and right of way to construct, use, maintain, operate, alter, add to, repair, replace, reconstruct, inspect and remove at any time underground electrical supply systems (utilities) in three areas to facilitate the installation and operation of EV Charging Stations.

Public Comment: None.

ACTION: Commissioner Stephens moved to authorize the General Manager to execute three Grants of Easement to Southern California Edison Company (SCE) and its successors an easement and right of way to construct, use, maintain, operate, alter, add to, repair, replace, reconstruct, inspect and remove at any time underground electrical supply systems (utilities) in three areas to facilitate the installation and operation of EV Charging Stations.

Commissioner Rainey seconded. The vote was as follows:

AYES: Commissioners Blumenberg, Gardina, Rainey, Brennan, Stephens

NOES: None

ABSTAINED: None

ABSENT: None

Motion carried 5-0.

STANDARD AGENDA:

1) Adoption of Ordinance No. 57 Authorizing Execution of Amendment No. 7 to the Existing Parcel 20 Master Lease and an Amendment to the Assignment and Option Agreement between Ventura Port District and Derecktor Marine Holdings for a New 50-Year Master Lease for Parcel 20

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners:

- a) Conduct a public hearing for the purpose of receiving input on proposed Ordinance No. 57.
- b) Waive reading and direct Clerk to place Ordinance No. 57 in the record of this meeting.
- c) Adopt Ordinance No. 57 authorizing execution of Amendment No. 7 to the existing Parcel 20 Master Lease and an Amendment to the Assignment and Option Agreement between Ventura Port District and Derecktor Marine Holdings for a New 50-Year Master Lease for Parcel 20.

Report by Brian D. Pendleton, General Manager.

Public Comment: Tom Derecktor, owner of Derecktor Ventura, commented that these amendments will give them the flexibility they need to weather the impact of the uncertainty from the VenturaWaterPure project and help them move forward with their improvements. He also thanked staff, Legal Counsel and Commissioners.

ACTION: Chair Blumenberg opened the public hearing at 7:18PM for the purpose of receiving input on proposed Ordinance No. 57. The reading of proposed Ordinance No. 56 was waived. There was one public speaker. The public hearing was closed at 7:20PM.

ACTION: Commissioner Stephens moved to adopt Ordinance No. 57 as follows:

ORDINANCE NO. 57

**AN ORDINANCE OF THE BOARD OF PORT COMMISSIONERS
OF VENTURA PORT DISTRICT APPROVING
AMENDMENT NO. 7 TO THE EXISTING PARCEL 20 MASTER LEASE, AND AMENDMENT
OF THE ASSIGNMENT AND OPTION AGREEMENT BETWEEN THE DISTRICT AND**

**DEREKTOR MARINE HOLDINGS FOR A NEW 50-YEAR MASTER LEASE
FOR PARCEL 20**

(California Harbors and Navigation Code section 6270)

The Board of Port Commissioners of the Ventura Port District hereby ordains as follows:
The General Manager of the Ventura Port District is authorized and directed to execute Amendment No. 7 and the Amended Assignment and Option Agreement between Ventura Port District and Derektor Marine Holdings for a New 50-Year Master Lease for Parcel 20, with a commencement date of May 3, 2023.”

PASSED, APPROVED AND ADOPTED at a Regular Meeting of the Board of Port Commissioners of Ventura Port District held on May 3, 2023.

Vice-Chair Gardina seconded. The vote was as follows:

AYES: Commissioners Blumenberg, Gardina, Rainey, Brennan, Stephens

NOES: None

ABSTAIN: None

ABSENT: None

2) Quarterly Update on the Ventura Port District 5-Year Objectives

Recommended Action: Voice Vote.

That the Board of Port Commissioners receive and file the quarterly update on the Ventura Port District 5-Year Objectives.

Report by Brian D. Pendleton, General Manager.

Public Comment: None.

ACTION: The Board of Port Commissioners received an quarterly update on the Ventura Port District 5-Year Objectives.

3) Approval of Amendment No. 1 to Agreement for the Ventura Harbor Village 1559 and 1691 Spinnaker Drive New Trash Enclosure Project and Budget Adjustment to the 5-Year Capital Improvement Plan for Harbor Village Trash Enclosures

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve:

- a) Amendment No. 1 to the Agreement with Carjul Engineering and Construction Corporation for the Ventura Harbor Village 1559 and 1691 Spinnaker Drive New Trash Enclosure Project in the amount of \$98,000.00 for a total of \$275,000.00.
- b) A Budget Adjustment to the 5-Year Capital Improvement Plan for the Harbor Village Trash Enclosures from \$225,000.00 to \$275,000.00.

Report by Joe Gonzalez, Capital Projects Manager.

Public Comment: None.

- ACTION:** Commissioner Brennan moved to approve:
- a) Amendment No. 1 to the Agreement with Carjul Engineering and Construction Corporation for the Ventura Harbor Village 1559 and 1691 Spinnaker Drive New Trash Enclosure Project in the amount of \$98,000.00 for a total of \$275,000.00.
 - b) A Budget Adjustment to the 5-Year Capital Improvement Plan for the Harbor Village Trash Enclosures from \$225,000.00 to \$275,000.00.

Commissioner Stephens seconded. The vote was as follows:

AYES: Commissioners Blumenberg, Gardina, Rainey, Brennan, Stephens

NOES: None

ABSTAINED: None

ABSENT: None

Motion carried 5-0.

4) Approval of Amendment No. 1 to the At Will Employment Agreement for General Manager

Recommended Action: Voice Vote.

That the Board of Port Commissioners:

- a) Approve and authorize the Chair to sign Amendment No. 1 to the "At Will Employment Agreement for General Manager", dated May 1, 2022, authorizing a 1.5% merit-based increase to the annual base salary.
- b) Approve and authorize a one-time payment of \$5,000 to General Manager Brian D. Pendleton in recognition of his excellent performance over the past year.
- c) Align evaluation date to consider future merit-based increases to be consistent with other non-represented District employees, as defined by the District's Human Resources Manual.

Report by Chair Michael Blumenberg.

Public Comment: Tom Derecktor, owner of Derecktor Ventura, commented that Brian does an excellent job. He stated that Brian welcomed both Tom and Leonora in a way that is unique for this day and age. He said that Brian has been incredibly helpful and have gone over and above to help Derecktor along the way.

- ACTION:** Commissioner Stephens moved to:
- a) Approve and authorize the Chair to sign Amendment No. 1 to the "At Will Employment Agreement for General Manager", dated May 1, 2022, authorizing a 1.5% merit-based increase to the annual base salary.
 - b) Approve and authorize a one-time payment of \$5,000 to General Manager Brian D. Pendleton in recognition of his excellent performance over the past year.
 - c) Align evaluation date to consider future merit-based increases to be consistent with other non-represented District employees, as defined by the District's Human Resources Manual.

Commissioner Rainey seconded. The vote was as follows:

AYES: Commissioners Blumenberg, Gardina, Rainey, Brennan, Stephens

NOES: None
ABSTAINED: None
ABSENT: None

Motion carried 5-0.

RECONVENED TO CLOSED SESSION AT 8:11PM

CLOSED SESSION WAS ADJOURNED AT 8:45PM

OPEN SESSION WAS RECONVENED AT 8:47PM

CLOSED SESSION REPORT: Mr. Turner stated that the Board met in closed session; discussed and reviewed Item 2 on the closed session agenda. The Board gave direction to Counsel as to how to proceed. No action was taken that is reportable under The Brown Act.

ADJOURNMENT: The meeting was adjourned at 8:48PM.

The next regular meeting is Wednesday, May 17, 2023.



Anthony Rainey, Secretary